

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

No. 02-1491V

Filed: April 30, 2007

Unpublished

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KALEIGH BRIELE GRIMES, A MINOR \*  
BY HER MOTHER AND NATURAL \*  
GUARDIAN, MICHELLE HOWIE \*  
\*  
Petitioner, \* Attorney Fees and Costs  
\*  
v. \*  
\*  
SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*  
\*\*\*\*\*

**DECISION AWARDING ATTORNEY FEES AND COSTS<sup>1</sup>**

**Denise K. Vowell**, Special Master:

On March 28, 2007, petitioner's counsel, David Terzian, filed a petition for attorney fees and costs. Upon review of the petition, respondent apparently expressed certain objections to the petition and communicated those objections directly to petitioner's counsel. Counsel for both sides then engaged in negotiations about the areas of dispute.

On April 23, 2007, petitioner's counsel filed a status report requesting a reduced amount of fees and costs. There were no out of pocket costs claimed by petitioner herself; \$11,100.00 was claimed for David Terzian of Rawls & McNelis, P.C., and \$6,480.00 was claimed for petitioner's former counsel, Clifford Shoemaker of Shoemaker & Associates. The status report noted that respondent had no objections to the amount of fees and costs requested therein, a total of \$17,580.54. I note that the total fees and costs requested is \$0.54 higher than the individual awards requested; my award therefore excludes this \$0.54.

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<sup>1</sup> Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the total of \$17,580.00<sup>2</sup> broken down as follows:

- a lump sum of \$11,100.00, in the form of a check payable jointly to petitioner and petitioner's counsel, David Terzian, for petitioner's attorney fees and costs.
- a lump sum of \$6,480.00, in the form of a check payable jointly to petitioner and petitioner's former counsel, Clifford Shoemaker, for petitioner's attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

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**Denise K. Vowell**  
Special Master

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<sup>2</sup> This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client. This amount includes "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents any attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally*, *Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

<sup>3</sup> Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. See Vaccine Rule 11(a).